

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:

4506 SHERWOOD LANE, LLC

Debtor

§  
§  
§  
§  
§

Case No.: 10-32308-H5-11  
(Chapter 11)

EMERGENCY MOTION TO COMPEL  
COMPLIANCE WITH CONFIRMATION ORDER  
[Related to Docket Entry Dated 11/04/2010]

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

TO THE HONORABLE KAREN K. BROWN, UNITED STATES BANKRUPTCY JUDGE:

Reliance Bank ("**Reliance**"), a secured creditor in the above-captioned case, and files this, its *Emergency Motion to Compel Compliance with Confirmation Order* (the "**Motion**"), and shows:

### **Relief Requested**

1. On January 27, 2011, this Court entered its *Order Confirming Chapter 11 Plan and Approving Disclosure Statement* (the “**Order**”). [Docket No. 110]
2. Pursuant to the Order, on March 18, 2011, Reliance sent the closing instructions and modification documents (the “**Loan Modification Documents**”) to counsel for 4506 Sherwood Lane, LLC (the “**Debtor**”). The Loan Modification Documents included certain guaranties to be executed by the Debtor’s principals, Gary Vincent Arnold, Angelica Vail Salas (collectively, the “**Guarantors**”).
3. As of the filing of this Motion, neither the Debtor nor the Guarantors had returned the executed Loan Modification Documents to Reliance.

### **Emergency Consideration**

4. Under the terms of the Order and Loan Modification Documents, certain important deadlines and due dates begin on April 15, 2011 (e.g., deposit of 10% of escrow funds in designated Escrow Account). If the Loan Modification Documents are not executed by the parties before April 15, 2011, it will cause the Debtor to be in violation of the Order.
5. Reliance respectfully requests that this Court consider this Motion on an expedited basis and order the Debtor and the Guarantors to comply with this Court’s January 27, 2011 Order and execute the Loan Modification Documents.

WHEREFORE, Reliance Bank prays that this Court order the Debtor to comply with the January 27, 2011 Order and deliver the executed Loan Modification Documents before the close of business on April 14, 2011, or schedule an emergency hearing on the matter and for such other relief as the Court finds appropriate under the circumstances.

Respectfully submitted,

/s/ Simon Mayer

Simon Mayer TBN: 24060243

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Houston, Texas 77002

Telephone (713) 759-0818

Telecopier (713) 759-6834

**ATTORNEY FOR RELIANCE BANK**

**CERTIFICATION FOR ACCURACY PURSUANT TO LBR 9013-1(i)**

I hereby certify that the facts and assertions made in the *Emergency Motion to Compel Compliance with Confirmation Order* are true and accurate to the best of my knowledge.

/s/ Simon Mayer

Simon Mayer

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by first class U.S. Mail, postage prepaid and/or ECF on April 11, 2011 to the parties on the attached Service List.

/s/ Simon Mayer

Simon Mayer

**Case No. 10-32308-H5-11**

**Service List**

**Debtor**

4506 Sherwood Lane, LLC  
4506 Sherwood Lane  
Houston, TX 77092

**Debtor's Attorney**

Reese W. Baker  
Baker & Associates  
5151 Katy Freeway, Ste 200  
Houston, TX 77007  
Via ECF  
[courtdocs@bakerassociates.net](mailto:courtdocs@bakerassociates.net)

**Office of the US Trustee**

Christine A. March  
515 Rusk St., Ste. 3516  
Houston, TX 77002  
Via ECF: [Christine.a.march@usdoj.gov](mailto:Christine.a.march@usdoj.gov)

**Secured Creditors**

Harris County – Leo Vazquez  
P.O. Box 4622  
Houston, TX 77210

Paula Angenendt  
207 Wood St.  
Pacific Grove, CA 93950

Reliance Bank  
10401 Clayton Road  
Frontenac, MO 63131-2909

Tax Ease  
14901 Quorum Drive, Ste. 900  
Dallas, TX 75244

**Unsecured Creditors**

Saul Gonzalez  
4211 Sherwood, Unit 151  
Houston, TX 77092

A-1 Helium  
2244 1<sup>st</sup> Street  
Rosenberg, Texas 77471

Affinity Group Management, Inc.  
5800 Foxridge Dr., Ste. 400  
Mission, KS 66202

Anderson, Crimshaw and Associates  
12801 N. Central Expressway, Suite 250  
Dallas, TX 75243

AT&T  
P.O. Box 5001  
Carol Stream, IL 60197

Bank of America  
P.O. Box 15019  
Wilmington, DE 19886-5019

Bay Credit Services, LLC  
1901 W. 10<sup>th</sup> Street  
Antioch, CA 94509

CenterPoint Energy  
P.O. Box 2628  
Houston, TX 77252-2628

Central Security  
2448 E. 81<sup>st</sup> St., Ste. 4200  
Tulsa, OK 77042

Chase Card Services  
P.O. Box 94014  
Palatine, IL 60094

City of Houston  
P.O. Box 1560  
Houston, TX 77043

City of Houston  
P.O. Box 61167  
Houston, TX 77208

City of Houston  
8000 N. Stadium Drive  
Houston, TX 77054

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**Service List**

Comcast  
P.O. Box 660618  
Dallas, TX 75266

Conns Appliance  
P.O. Box 2358  
Beaumont, TX 77704-2358

Direct Energy  
P.O. Box 139019  
Dallas, TX 75313

For Rent.Com  
187943 120<sup>th</sup> Avenue NE, Suite 101  
Bothell, WA 98011

Gulf Coast Answering Service  
3727 Green Dr., Ste. 205  
Stafford, TX 77477

Home Depot Credit Services  
P.O. Box 182676  
Columbus, OH 43218

Insurance Support Center  
P.O. Box 680001  
Dallas, TX 75368

JC Painting  
P.O. Box 925952  
Houston, TX 77292

Kevin Liu Note  
88 E. Lakeridge Dr.  
The Woodlands, TX 77381

Madel Contract Painting  
8219 Bayou Forest Dr.  
Houston, TX 77088

Muller Water Conditioner  
1500 Sherwood Dr.  
Houston, TX 77043

Oconnor  
2200 North Loop West, Suite 200  
Houston, TX 77018

On Guard, Inc.  
6846 Theall Rd. #100  
Houston, TX 77066

PPG Architectural Finishes  
P.O. Box 676340  
Dallas, TX 75267

Preston Maintenance Supply  
1415 Louisiana, 22<sup>nd</sup> Floor  
Houston, TX 77022

Safeguard Home Security  
888 W. Sam Houston Parkway S #170  
Houston, TX 77042

Safety Sam Inc.  
P.O. Box 6408  
Yuma, AZ 85366

Solar Verde Systems  
20533 Biscayne Blvd., Suite 765  
Aventura, FL 33180

Southwest Credit  
4120 International Pkwy, Ste. 1100  
Carrollton, TX 75007

State Farm Ins Company  
P.O. Box 680001  
Dallas, TX 75368

Waste Management  
Houston Metro  
1901 Afton St.  
Houston, TX 77055

Wells Fargo  
P.O. Box 348750  
Sacramento, CA 95834

**Case No. 10-32308-H5-11**  
**Service List**

**Parties Requesting Notice**

Harris County, et al.  
Linebarger Goggan Blair & Sampson  
LLP  
c/o Tara L. Grundemeier  
P.O. Box 3064  
Houston, TX 77253-3064  
Via ECF:  
[houston\\_bankruptcy@publicans.com](mailto:houston_bankruptcy@publicans.com)

Howard Marc Spector  
Spector & Johnson, PLLC  
12770 Coit Road, Suite 1100  
Dallas, TX 75251  
Via ECF: [hms7@cornell.edu](mailto:hms7@cornell.edu)

GE Money Bank  
c/o Recovery Management Systems  
Corp. – Attn: Ramesh Singh  
25 SE 2<sup>nd</sup> Avenue, Suite 1120  
Miami, FL 33131-1605